

FSP: 0012 FOLDING LEG SYSTEM

REMARKS

In the Office Action mailed on April 11, 2003, claims 14-15 are objected to under 35 U.S.C. 112 as dependent on a cancelled claim. Claims 14-15 have been amended to
5 depend on claim 13, and should now be allowed, because the Office Action indicated amendment in this fashion would place claims 14-15 in condition for allowance. Claims 6-8 are rejected under 35 U.S.C. 102(b) as anticipated by Parsons, British Patent 2,049,025. Claims 11 and 12 are rejected under 35 U.S.C. 102(b) as anticipated by Wallin, U.S. Patent 2,971,803.

10 The present disagreement over Claim 6 appears to involve the nature of the "first and second sections" of the claimed device.

Regarding Claim 6, Parsons teaches a folding leg having a first bracket 2 and a second bracket 5. The first bracket embraces all four sides of the upper portion of the leg
1. See Parsons, lines 103 to 106. Clearly the leg cannot slide from the first bracket 2 to
15 the second bracket 5 along the pivot bolt 7 (captive spindle), because it is captive in the first bracket 2. Thus, when the Office Action asserts that Parsons teaches "the second bracket adapted so that the second leg may slide along the pivot bolt from the first to the second sections", in doing so it cannot equate the "first and second sections" of the
present claims to brackets 2 and 5 of Parsons.

20 It is somewhat unclear to the Applicant what elements of Parsons the Office Action equates with the "first and second sections" of the present claims. However, there can be no question that whatever they are, these elements must reside within the first bracket 2, because the leg 1 cannot slide along the bolt 7 anywhere except within this first

? NOT
DOING
THIS
ANYWAY

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bracket 2. The Applicant will assume, arguendo, that the Office Action equates the "first section" of the present claims with the area of the first bracket 2 of Parsons where the leg can pivot (e.g. where the leg is not engaged with the flange 14). The "second section" must therefore be equated with some part of the bracket 2 where the leg 1 engages the flange 14 (and therefore cannot rotate).

1 ATTACHED
A
COPY
OF
FIG. 1

The flange 14 of Parsons prevents rotation by making contact with a side of the leg. Claim 6, as amended, describes an apparatus where rotation is prevented in the second section by contact with an end of the leg. "End" herein refers to that part of the leg that would be considered the top when the leg is in a vertical position.

As amended, claim 6 is distinct from Parsons and should be allowed.

Furthermore, a rejection under 102(b) cannot stand unless the reference teaches all limitations of the claims. Parsons fails to teach the locking pin holes recited by claims 7 and 8. In fact, Parsons explicitly teaches away from the use of locking pin holes, by using a flange to lock to leg in the up and down positions.

THEY ARE
STILL
HOLES

Regarding claims 11 and 12, the patent to Wallin does not disclose the two sides of the bracket each comprising a hole to receive a pivot bolt through a leg when the leg is positioned between the sides. Wallin teaches a leaf spring 15 mounted on a hinge pin 13. The hinge pin 13 does not pass through the leg when the leg is mounted between the sides 22, 23. Furthermore, Wallin does not teach at least one side 22, 23 comprising a hole to receive a locking pin of a locking device 14 when the locking device 14 is positioned in the slots. Wallin also fails to teach at least one side 22, 23 comprising a hole to receive a locking pin of a locking device 14 when the locking device 14 is positioned in the slots, and a hole to receive a locking pin of a locking device 14 when the locking

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device 14 is not positioned in the slots. The Office Action apparently equates slots and holes. Respectfully, the Applicant asserts that a hole is not a slot. A hole is through the surface and surrounded on all sides by material. A slot is surrounded by material on less than all sides.

5 The most recent Office Action does not address nor refute the above distinctions over Wallin. Therefore claims 11 and 12 should be considered distinct from Wallin and the other cited art, and allowed.

In light of the amendments and these remarks, please allow all claims.

*Slot
is an opening*
*Hole
opening
through
something*

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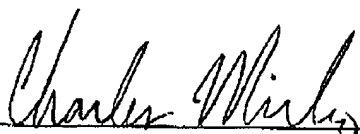
Respectfully Submitted,

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Date: 7-09-2003

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/035,892	12/24/2001	Jonathan K. Jensen	FSP:0012	4249

7590

04/11/2003

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EXAMINER

SZUMNY, JONATHON A

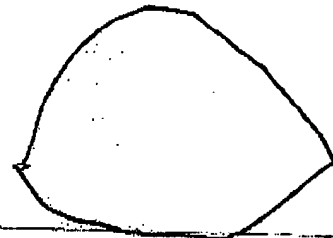
ART UNIT

PAPER NUMBER

3632

DATE MAILED: 04/11/2003

Please find below and/or attached an Office communication concerning this application or proceeding.





FEB 20 2003

Commissioner for Patents
Washington, DC 20231
www.uspto.gov

Dear Patent Business Customer:

The United States Patent and Trademark Office ("Office") is now permitting and encouraging applicants to voluntarily submit amendments in a revised format as set forth in *AMENDMENTS IN A REVISED FORMAT NOW PERMITTED*, Off. Gaz. Pat. Office (February 25, 2003), currently available on the USPTO web site at <http://www.uspto.gov/web/offices/pac/dapp/opla/preognotice/revamdtpract.htm>. The revised format permits amendments to the specification and claims to be made in a single marked-up version; the requirement for a clean version is eliminated. Attached, you will find a flyer with information and instructions regarding the procedures to be used to comply with the revised format. The flyers are being inserted with out-going Office actions mailed during the period of February 20, 2003 - March 31, 2003.

The revised amendment format is essentially the same as the amendment format for the specification, claims, and drawings that the Office is considering adopting via a revision to 37 CFR 1.121 (Manner of Making Amendments). The revision to 37 CFR 1.121 (if adopted) will simplify amendment submission and improve file management. This proposed revision and others necessary to facilitate a gradual transition to the use of an Electronic File Wrapper (EFW) will be set forth in a Notice of Proposed Rule making (NPR), expected to be published by March 2003. After consideration of public comments, the Office anticipates adopting a revision to § 1.121, following publication of a Notice of Final Rule making (NFR), expected by June 2003, at which point compliance with revised § 1.121 will be mandatory.

The Office will continue to accept your amendment submissions in the revised format during the voluntary period, which will extend up to the effective date of final revisions to § 1.121. The Office also encourages your feedback on the proposed revised amendment format and other changes set forth in the NPR, expected to be published by March 2003.

For assistance: Any questions regarding the submission of amendments pursuant to the revised practice should be directed to Office of Patent Legal Administration (OPLA), Legal Advisors Elizabeth Dougherty (Elizabeth.Dougherty@uspto.gov), Gena Jones (Eugenia.Jones@uspto.gov) or Joe Narcavage (Joseph.Narcavage@uspto.gov). Alternately, you may send e-mail to "Patent Practice", the OPLA e-mail address that has been established for receiving queries and questions about patent practice and procedures or telephone OPLA at (703) 305-1616.

A handwritten signature in cursive script that reads "Nicholas P. Godici".
Nicholas P. Godici
Commissioner for Patents

Attachment: Flyer entitled: *Revised Notice* AMENDMENTS MAY NOW BE SUBMITTED IN REVISED FORMAT*

Revised Notice*
AMENDMENTS MAY NOW BE SUBMITTED IN REVISED FORMAT

The United States Patent and Trademark Office (USPTO) is permitting applicants to submit amendments in a revised format as set forth below. Further details of this practice are described in *AMENDMENTS IN A REVISED FORMAT NOW PERMITTED*, signed January 31, 2003, expected to be published in *Official Gazette* on February 25, 2003 (Notice posted on the Office's web site at <http://www.uspto.gov/web/offices/pac/dapp/opla/procnotice/revamdtorac.htm>). The revised amendment format is essentially the same as the amendment format that the Office is considering adopting via a revision to 37 CFR 1.121 (Manner of Making Amendments). The revision to 37 CFR 1.121 (if adopted) will simplify amendment submission and improve file management. The Office plans to adopt such a revision to 37 CFR 1.121 by July of 2003, at which point compliance with revised 37 CFR 1.121 will be mandatory.

Effective immediately, all applicants may submit amendments in reply to Office actions using the following format. Participants in the Office's electronic file wrapper prototype¹ receiving earlier notices of the revised practice may also employ the procedures set out below.

REVISED FORMAT OF AMENDMENTS

Begin on separate sheets:

Each section of an Amendment (e.g., Claim Amendments, Specification Amendments, Drawing Amendments, and Remarks) should begin on a separate sheet. For example, in an amendment containing a.) introductory comments, b.) amendments to the claims, c.) amendments to the specification, and d.) remarks, each of these sections must begin on a separate sheet. This will facilitate the process of separately indexing and scanning of each part of an amendment document for placement in an electronic file wrapper.

Two versions of amended part(s) no longer required:

The current requirement in 37 CFR 1.121(b) and (c) to provide two versions (a clean version and a marked up version) of each replacement paragraph, section or claim will be waived where an amendment is submitted in revised format below. The requirements for substitute specifications under 37 CFR 1.125 will be retained.

A) Amendments to the claims:

Each amendment document that includes a change to an existing claim, or submission of a new claim, must include a complete listing of all claims in the application. After each claim number, the status must be indicated in a parenthetical expression, and the text of each claim under examination (with markings to show current changes) must be presented. The listing will serve to replace all prior versions of the claims in the application.

- (1) The current status of all of the claims in the application, including any previously canceled or withdrawn claims, must be given. Status is indicated in a parenthetical expression following the claim number by one of the following: (original), (currently amended), (previously amended), (canceled), (withdrawn), (new), (previously added), (reinstated - formerly claim # _), (previously reinstated), (re-presented - formerly dependent claim # _), or (previously re-presented). The text of all pending claims under examination must be submitted each time any claim is amended. Canceled and withdrawn claims should be indicated by only the claim number and status.
- (2) All claims being currently amended must be presented with markings to indicate the changes that have been made relative to the immediate prior version. The changes in any amended claim should be shown by strikethrough (for deleted matter) or underlining (for added matter). An accompanying clean version is not required and should not be presented. Only claims of the status "currently amended" will include markings.
- (3) The text of pending claims not being amended must be presented in clean version, i.e., without any markings. Any claim text presented in clean version will constitute an assertion that it has not been changed relative to the immediate prior version.

¹ The Office's Electronic File Wrapper prototype program is described in *USPTO ANNOUNCES PROTOTYPE OF IMAGE PROCESSING*, 1265 Off. Gaz. Pat. Office 87 (Dec. 17, 2002) ("Prototype Announcement"), and applies only to Art Units 1634, 2827 and 2834.

Office Action Summary

Application No.

10/035,892

Applicant(s)

JENSEN, JONATHAN K

Examiner

Jon A Szumny

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 February 2003.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 6-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 9, 10 and 13 is/are allowed.
- 6) ☒ Claim(s) 6-8, 11, 12, 14 and 15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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This is the second office action for application number 10/035,892, Folding Leg System, filed on December 24, 2001.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter that the applicant regards as his invention.

Claims 14 and 15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 14 and 15 both refer to cancelled claim 3. For the purposes of this office action, the Examiner will assume claims 14 and 15 both refer to claim 13.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 6-8 are rejected under 35 U.S.C. 102(b) as being anticipated by Parsons '025.

Parsons '025 discloses a folding leg system (figures 1-3, specification lines 7-8, inherently more than one leg and bracket, also, page 1, lines 97-102) comprising a first bracket (figure 1) mounted on a surface and coupled to a first leg (figure 1) via a first

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pivot bolt (figure 1) such that the leg rotates between up and down positions, a second bracket (figure 1) mounted on a surface and coupled to a second leg (figure 1) via a second pivot bolt (figure 1) such that the leg rotates between up and down positions; wherein the second bracket has a first section in which the second leg may rotate to a down position from an up position and a second section in which the leg is prevented from rotating into the down position from the up position; wherein the first bracket is inherently mounted on the surface across from the second bracket such that the first leg does not contact the second leg when the legs are in the up position and the second leg is in the second section of the second bracket; wherein the first bracket has first and second holes (figure 1); wherein the second bracket has a third hole (figure 1).

Claims 11 and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Wallin '803.

Wallin '803 discloses a bracket (figure 1) comprising at least two sides (figure 1), each side comprising an aligned first hole (figure 1), each side comprising an aligned slot (figure 1), at least one side comprising an aligned second hole (figure 1), at least one side comprising an aligned third hole (figure 1), and a tab (figure 1).

Allowable Subject Matter

Claims 9, 10 and 13 are allowed.

Claims 14 and 15 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action.

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The following is a statement of reasons for the indication of allowable subject matter:

Reasons for allowance for claim 9 can be found in a previous office action.

Regarding claim 13, the prior art failed to specifically teach a bracket comprising at least two sides each comprising a first hole aligned to receive a pivot bolt along which a leg may slide between first and second sections of the bracket; the first section formed such that the leg may rotate around the pivot bolt when positioned in the first section; the second section formed such that the leg may not rotate around the pivot bolt when positioned in the second section; a side of the first section comprising a slot aligned to receive a shaft of a locking device when the leg is rotated to a down position; the side of the first section comprising a second hole aligned to receive a locking pin of the locking device when the shaft of the locking device is positioned in the slot; and the side of the first section comprising a third hole aligned to receive the locking pin of the locking device when the shaft of the locking device is not positioned in the slot.

Response to Arguments

On the bottom paragraph of page 6 of the remarks regarding the rejection of claims 6-8 as being anticipated by Parsons '025, the applicant alleges "Many features of the claims are simply absent from Parsons. In particular, Parsons fails to teach the second bracket having a first section in which the second leg may rotate to a down position from an up position and a second section in which the leg is prevented from

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rotating into the down position from the up position, the second bracket adapted so that the second leg may slide along the pivot bolt from the first to the second sections."

The Examiner clearly disagrees.

Parsons '025 states in lines 97-102 of page 1 that one of the brackets/mechanisms is mounted to each of four corners of a table. It is therefore assumed that each bracket/mechanism is identical in structure. Therefore, with reference to figure 1 of Parsons '025 (a copy of which was previously provided by the Examiner), Parsons '025 does in fact teach such first and second sections wherein the second leg can rotate in the first section and cannot rotate in the second section and can slide along the pivot bolt from the first to the second sections.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the

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shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jon A Szumny whose telephone number is (703) 306-3403. The examiner can normally be reached on Monday-Friday 8-4.

The fax phone number for the organization where this application and proceeding are assigned is (703) 305-7687.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

Jon Szumny
Patent Examiner
Technology Center 3600
Art Unit 3632
April 9, 2003

RAMON O. RAMIREZ
PRIMARY EXAMINER
ART UNIT 355 363 2

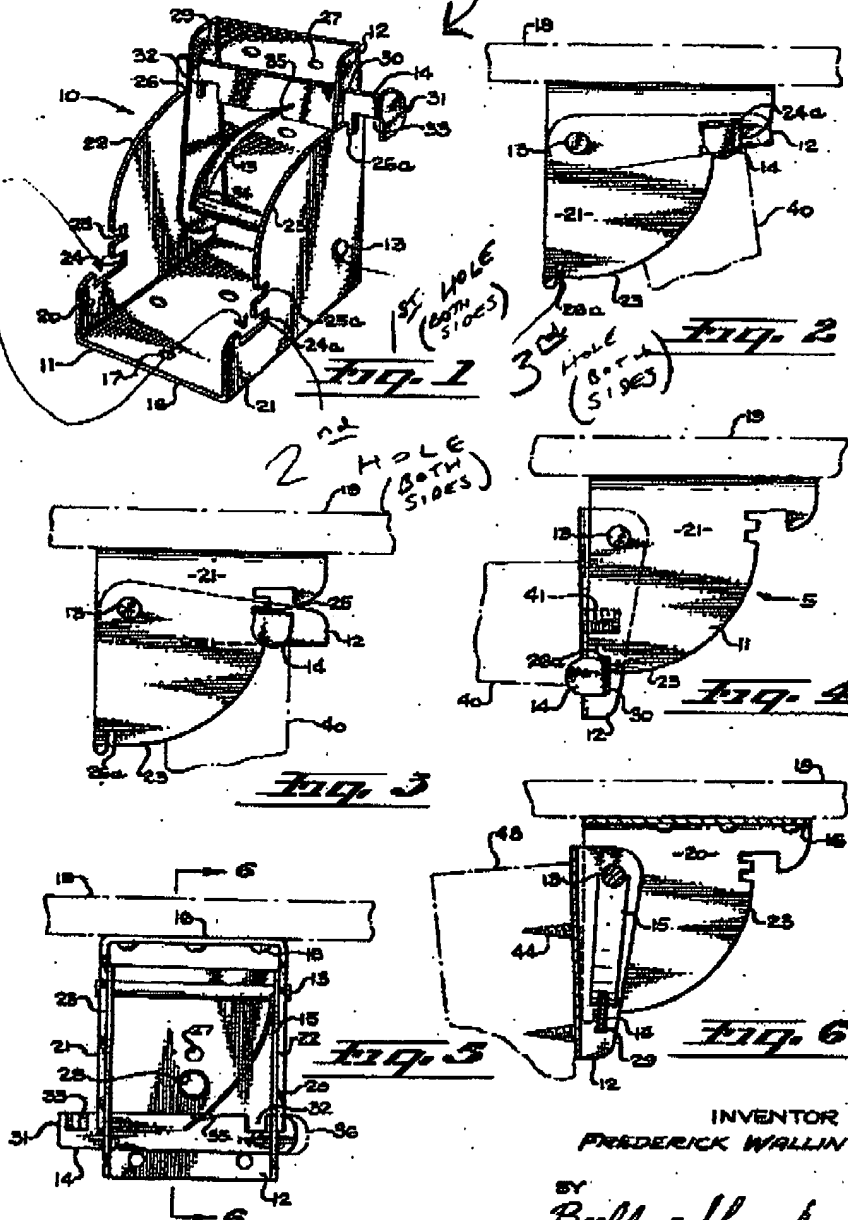
Feb. 14, 1961

F. WALLIN

2,971,803

MULTI-POSITION LEG BRACKET

Filed July 8, 1959

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